IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8423 of 1990

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MOHANLAL KANJIBHAI PADALIA - Petitioner(s)

Versus

GUJARAT ELECTRICITY BOARD - Respondent(s)

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Appearance :

MR HD VASAVADA for Petitioner No(s).: 1.

RULE NOT RECD BACK for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 19/07/2005

ORAL JUDGMENT

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1. When the matter was called on for hearing, Mr. Vasavada was not present. Hence, the matter is taken up for hearing today.

2. The petitioner by way of this petition has

challenged the order dated 27th October, 1989 at annexure-A to the petition issued by the respondent Board compelling the petitioner to retire compulsorily before the completion of his tenure of his service at the age of 60 years.

3. The short facts of the case are that the petitioner was initially appointed as Draftsman with the respondent Board and thereafter he was promoted to the post of Chief Draftsman. It is the case of the petitioner that the respondent Board vide order 27th October, 1989 compelled him to retire from the service as Chief Draftsman. Hence, this petition.

4. Having perused the materials produced on record, it transpires that the order in question is an order of retirement and the respondent Board has the powers to pass such orders. Even otherwise, the said order cannot be treated as penalty and this Court cannot interfere in such matters. Hence, the petition stands dismissed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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